

OFFICE OF THE ATTORNEY GENERAL

84-00207



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MAR 22 1984

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Honorable Lee Wofford
Judge of Probate
Etowah County
P. O. Box 187
Gadsden, Alabama 35902

Counties - Newspapers - Legal Notices -
Publication of Notices - Funds

Pursuant to §6-8-64, Code of Alabama
1975, a daily newspaper may refuse
legal publications which are not
contracted for at the commercial rate
prescribed by the paper.

Dear Judge Wofford:

You have requested an opinion from this office regarding the publication of legal notices in a daily newspaper, in which you ask whether The Gadsden Times, a daily newspaper, has the right to refuse all legal publications required by law to be published unless they are contracted for at the commercial rate prescribed by the Gadsden Times?

As you have noted in your letter, Section 6-8-64, Code of Alabama 1975, provides:

"(a) Not more than seven cents per word for the first insertion and six cents per word for each subsequent insertion of a legal notice or advertisement must be charged or allowed; but in case it is advisable to advertise in daily newspapers, any person required to advertise such notice may contract with such papers to charge their then current published commercial rates..."

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This section allows daily newspapers to charge their current published commercial rates. Therefore, it is my opinion that a daily newspaper has the right to refuse legal publications unless they are contracted for at the commercial rate set by the paper. However, as the Attorney General stated in a prior opinion issued to Hon. F. R. Albritton, Jr., on June 23, 1982, competitive bids may be taken from county newspapers to see whether lower publication rates can be obtained.

I hope that I have answered your question sufficiently. If this office can ever be of service to you in the future, please do not hesitate to contact us.

Very truly yours,

CHARLES A. GRADDICK
Attorney General
By-



LINDA C. BRELAND
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LCB/mi